



Attorney/Docket No. 31132.43
Customer No. 000027683

BFSN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Eisermann, et al.	§	Group Art Unit: 3738
	§	
Serial No. : 10/773,494	§	
	§	
Filed: February 6, 2004	§	Examiner: Unknown
	§	
For: ARTICULAR DISC PROSTHESIS FOR	§	
LATERAL INSERTION	§	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 C.F.R. §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed information are also enclosed. The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the EP on PCT/YS2004/004071, the PCT counterpart of the present application. A copy of the search report is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,



David M. O'Dell

Registration No. 42,044


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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-9-04

Bonnie Boyle
Printed Name

Bonnie Boyle
Signature

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		<i>Complete if Known</i>	
 <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)</p>		Application Number		10/773,494	
		Filing Date		February 6, 2004	
		Applicant(s)		Eisermann, et al.	
		Art Unit		3738	
		Examiner Name		Unknown	
SHEET 1 OF 2		Attorney Docket Number		31132.43	

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	2003/0069586	04/10/2003	Errico, et al.
	A2	2003/0074068	04/17/2003	Errico
	A3	2003/0097134	05/22/2003	Kunzler
	A4	2003/0176923	09/18/2003	Keller, et al.
	A5	2003/0208273	11/06/2003	Eisermann, et al.
	A6	2004/0024460	02/05/2004	Ferree
	A7	2004/0034426	02/19/2004	Errico, et al.
	A8	2004/0034421	02/19/2004	Errico, et al.
	A9	4759766	07/26/1988	Buettner-Janz
	A10	4997432	03/05/1991	Keller
	A11	5246458	09/21/1993	Graham
	A12	5258031	11/02/1993	Salib, et al.
	A13	5314477	05/24/1994	Mamay
	A14	5401269	06/20/1995	Buettner-Janz, et al.
	A15	5425773	04/16/1996	Boyd, et al.
	A16	5507816	09/17/1996	Bullivant
	A17	5534029	07/09/1996	Shima
	A18	5556431	09/17/1996	Buettner-Janz, et al.
	A19	5562738	10/08/1996	Boyd, et al.
	A20	5571109	11/05/1996	Bertagnoli
	A21	5674296	10/07/1997	Bryan, et al.
	A22	5676701	10/14/1997	Yuan, et al.
	A23	5683394	11/04/1997	Rinner
	A24	5683465	11/04/1997	Shinn, et al.
	A25	5755796	05/26/1998	Ibo
	A26	5782832	07/21/1998	Larsen, et al.
	A27	5865846	02/02/1999	Bryan, et al.
	A28	5888226	03/30/1999	Rogozinski
	A29	5895428	04/20/1999	Berry
	A30	5899941	05/04/1999	Nishijima, et al.
	A31	6001130	12/14/1999	Bryan, et al.
	A32	6019792	02/01/2000	Cauthen
	A33	6063121	05/16/2000	Xavier
	A34	6113637	09/05/2000	Gill, et al.
	A35	6146421	11/14/2000	Gordon, et al.
	A36	6224607	05/01/2001	Michelson
	A37	6228118	05/08/2001	Gordon
	A38	6368350	04/09/2002	Erickson, et al.
	A39	6440139	08/27/2002	Michelson
	A40	6517544	02/11/2003	Michelson
	A41	6517580	02/11/2003	Ramadan, et al.
	A42	6645249	11/11/2003	Ralph, et al.
	A43	6562045	05/13/2003	Gil, et al.
	A44	6692501	02/17/2004	Michelson

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of
PTO-1449
Form

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Application Number	10/773,494
Filing Date	February 6, 2004
Applicant(s)	Eisermann, et al.
Art Unit	3738
Examiner Name	Unknown
Attorney Docket Number	31132.43

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	B1	EP 0 317 972	05/31/1989	Asashi Kogaku Kogyo Kabushiki Kaisha	Y
	B2	EP 0 560 140 /	02/25/1993	Waldemar Link GmbH & Co	N
	B3	EP 0 560 141 /	02/25/1993	Waldemar Link GmbH & Co	N
	B4	EP 0 747 025 /	12/11/1996	Smith & Nephews Richards, Inc.	y
	B5	FR 2 742 653	06/27/1997	Colorado Societe A Responsabilite Limitee	N
	B6	EP 0 820 740 /	01/28/1998	Bryan, et al.	Y
	B7	WO 99/00074 /	01/07/1999	Brid-Port-Gundry PLC	y
	B8	WO 99/05995 /	02/11/1999	Gordon, Maya, Roberts & Thomas Number 1 LLC	y
	B9	WO 99/53871 /	10/28/1999	Cauthen Research Group, Inc.	Y
	B10	WO 00/42954 /	07/27/2000	Osteotech, Inc.	y
	B11	WO 01/01893	01/11/2001	Spine Solutions, Inc.	Abstract
	B12	WO 01/19295	03/22/2001	Spine Solutions, Inc.	Abstract

NON-PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume- issue number(s), publisher, city/country where published
	C1	Medtronic Sofamor Danek, "MAVERICK Total Disc Replacement", brochure, published 12/2002, pp. 1-6.

Examiner
Signature

Date
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.